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10/772,383	02/06/2004	Kazuya Umeyama	118582	5750
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QUIETT, CARRAMAH J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,383

Applicant(s)

UMEYAMA, KAZUYA

Examiner

Carramah J. Quiett

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment(s), filed on 03/10/2008, have been entered and made of record. Claims 1-24 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyatake et al. (US 6750903) in view of Shimizu (US 7064780).

For **claim 1**, Miyatake discloses an electronic camera (fig. 1) having a multi-shooting mode in which data of a composite image is generated by arranging and compositing data of a predetermined number of frame images generated by continuous shooting (col. 3, lines 44-65), comprising:

a first switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs start of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

a second switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs end of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

an image pickup (fig. 1) that performs the continuous shooting according to an operation to said first and second switches to generate data of a plurality of frame images in said multi-shooting mode (col. 3, line 66 – col. 4, line 43); and

a controller (fig. 1) that changes an extracting rate according to a number of images generated by said image pickup, and extracts the data of the predetermined number of frame images from the data of the plurality of frame images according to the changed extracting rate and as a result of the operation of said second switch (col. 4, lines 44-67), wherein

the controller arranges and composites the data of the predetermined number of frame images extracted by said controller to generate the data of the composite image as a result of the operation of said second switch (col. 7, lines 25-67). Please see figs. 1-4.

However, Miyatake does not expressly teach that the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order.

In a similar field of endeavor, Shimizu discloses a controller (fig. 1) that changes an extracting rate according to a number of images generated by said image pickup, and extracts the data of the predetermined number of frame images from the data of the plurality of frame images according to the changed extracting rate and as a result of the operation of said second switch, wherein the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order to generate the data of the composite image as a result of the operation of said second switch.

Please see figs. 1-2 and read col. 3, line 60 – col. 4, line 67. In light of the teaching of Shimizu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Miyatake with the controller as recited in claim 1 in order to make it easier and more efficient to record and reproduce a plurality of images (Shimizu, col. 1, lines 29-41).

For **claim 2**, Miyatake, as modified by Shimizu, discloses the electronic camera according to Claim 1, wherein said controller performs the extraction at such intervals that intervals at which frame images in extracted data have been shot become substantially uniform (col. 9, lines 13-28). Please see figs. 5-6.

For **claim 3**, Miyatake discloses an electronic camera (fig. 1) having a multi-shooting mode in which data of a composite image is generated by arranging and compositing data of a predetermined number of frame images generated by continuous shooting (col. 3, lines 44-65), comprising:

a first switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs start of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

a second switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs end of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

an image pickup (fig. 1) that performs the continuous shooting according to an operation to said first and second switches to generate data of a plurality of frame images in said multi-shooting mode (col. 3, line 66 – col. 4, line 43); and

a controller that calculates a difference between frame images in the data of the frame images generated by said image pickup, the difference representing an amount of variation in an object (col. 4, lines 44-61), wherein

the controller extracts data of the predetermined number of frame images from the data of the plurality of frame images at such intervals that the smaller the difference between the frame images, the longer the intervals (col. 4, lines 44-67), and

the controller arranges and composites the data of the predetermined number of frame images extracted by said controller to generate the data of the composite image as a result of the operation of said second switch (col. 7, lines 25-67). Please see figs. 1-4.

However, Miyatake does not expressly teach that the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order.

In a similar field of endeavor, Shimizu discloses wherein the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order to generate the data of the composite image as a result of the operation of said second switch. Please see figs. 1-2 and read col. 3, line 60 – col. 4, line 67. In light of the teaching of Shimizu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Miyatake with the controller as recited in claim 3 in order to make it easier and more efficient to record and reproduce a plurality of images (Shimizu, col. 1, lines 29-41).

For **claim 4**, Miyatake, as modified by Shimizu, discloses the electronic camera according to Claim 3, wherein said controller extracts the data of the predetermined number of frame images in ascending order of the calculated differences (col. 4, lines 44-61).

For **claim 5**, Miyatake discloses an electronic camera (fig. 1) having a multi-shooting mode in which data of a composite image is generated by arranging and compositing data of a predetermined number of frame images generated by continuous shooting (col. 3, lines 44-65), comprising:

a first switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs start of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

a second switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs end of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

an image pickup (fig. 1) that performs the continuous shooting according to an operation to said first and second switches to generate data of a plurality of frame images in said multi-shooting mode (col. 3, line 66 – col. 4, line 43); and

a controller (fig. 1) that selects the data of at least the predetermined number of frame images from the data of the plurality of frame images according to the number of frame images generated by said image pickup, and calculates a difference between frame images in the selected data, the difference representing an amount of variation in an object (col. 4, lines 44-61), wherein

the controller extracts the data of the predetermined number of frame images from the data of the plurality of frame images at such intervals that the smaller the difference between the frame images, the longer the intervals (col. 4, lines 44-67), and

the controller arranges and composites the data of the predetermined number of frame images extracted by said controller to generate the data of the composite image, as a result of the operation of said second switch (col. 7, lines 25-67). Please see figs. 1-4.

However, Miyatake does not expressly teach that the controller arranges and composites the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order.

In a similar field of endeavor, Shimizu discloses a controller (fig. 1) that changes an extracting rate according to a number of images generated by said image pickup, and extracts the data of the predetermined number of frame images from the data of the plurality of frame images according to the changed extracting rate and as a result of the operation of said second switch (col. 4, lines 44-61), wherein the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order to generate the data of the composite image as a result of the operation of said second switch. Please see figs. 1-2 and read col. 3, line 60 – col. 4, line 67. In light of the teaching of Shimizu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Miyatake with the controller as recited in claim 5 in order to make it easier and more efficient to record and reproduce a plurality of images (Shimizu, col. 1, lines 29-41).

For **claim 6**, Miyatake discloses an electronic camera (fig. 1) having a multi-shooting mode in which data of a composite image is generated by extracting data of a predetermined number of frame images from data of a plurality of frame images generated by continuous

shooting, and by compositing the extracted data of the frame images (col. 4, lines 44-61), comprising:

a first switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs start of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

a second switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs end of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

an image pickup (fig. 1) that performs the continuous shooting according to an operation to said first and second switches to generate data of a plurality of frame images in said multi-shooting mode (col. 3, line 66 – col. 4, line 43); and

a controller that extracts the data of the predetermined number of frame images from the data of the plurality of frame images in said multi-shooting mode at such intervals that an Nth frame image data to be extracted is generated by shooting at a time of an Xth power of (N-1) where X is more than zero when a first frame image data to be extracted is assumed to be generated by shooting at a time zero, (col. 7, lines 25-67). Please see figs. 3-4.

wherein the controller arranges and composites data of the predetermined number of frame images extracted by said controller to generate the data of the composite image (col. 4, lines 44-67).

However, Miyatake does not expressly teach that the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order.

In a similar field of endeavor, Shimizu discloses wherein the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form

having a row and column and according to a shooting order to generate the data of the composite image as a result of the operation of said second switch. Please see figs. 1-2 and read col. 3, line 60 – col. 4, line 67. In light of the teaching of Shimizu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Miyatake with the controller as recited in claim 1 in order to make it easier and more efficient to record and reproduce a plurality of images (Shimizu, col. 1, lines 29-41).

For **claim 7**, Miyatake discloses an electronic camera (fig. 1) having a multi-shooting mode in which data of a composite image is generated by arranging and compositing data of a predetermined number of frame images generated by continuous shooting (col. 3, lines 44-65), comprising:

- a first switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs start of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

- a second switch (fig. 1, ref. 112/fig. 2, ref. 202) that instructs end of the continuous shooting in said multi-shooting mode (col. 5, lines 21-28; col. 6, lines 28-44);

- an image pickup (fig. 1) that performs the continuous shooting according to an operation to said first and second switches to generate data of a plurality of frame images in said multi-shooting mode (col. 3, line 66 – col. 4, line 43); and

- a controller that extracts data of the predetermined number of frame images from the data of a plurality of frame images in said multi-shooting mode in such a manner that the data extracted includes data of frame images shot at the start and end of the continuous shooting (col. 4, lines 44-67), wherein

the controller arranges and composites the data of the predetermined number of frame images extracted by said controller to generate the data of the composite image as a result of the operation of said second switch (col. 7, lines 25-67). Please see figs. 1-4.

However, Miyatake does not expressly teach that the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order.

In a similar field of endeavor, Shimizu discloses wherein the controller arranges the data of the predetermined number of frame images extracted by said controller in a matrix form having a row and column and according to a shooting order to generate the data of the composite image as a result of the operation of said second switch. Please see figs. 1-2 and read col. 3, line 60 – col. 4, line 67. In light of the teaching of Shimizu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the controller of Miyatake with the controller as recited in claim 1 in order to make it easier and more efficient to record and reproduce a plurality of images (Shimizu, col. 1, lines 29-41).

For **claim 8**, Miyatake, as modified by Shimizu, discloses the electronic camera according to Claim 7, wherein the controller changes an extracting rate according to the number of frame images generated by said image pickup and extracts the data of the predetermined number of frame images from the generated data of the frame images according to the changed extracting rate (col. 4, lines 44-61).

For **claim 9**, Miyatake, as modified by Shimizu, disclose the electronic camera according to claim-Claim 7, wherein the controller calculates a difference between frame images of the generated data of the frame images, the difference representing an amount of variation in an

object, and wherein said controller extracts the data of the predetermined number of frame images from the data of the plurality of frame images at such intervals that the smaller the difference between the frame images, the longer the intervals (col. 7, lines 25-67). Please see figs. 1-4.

Claims 10, 11, 12, 13, and 14 are method claims corresponding to apparatus claims 1, 3, 5, 6, and 7, respectively. Therefore, claims 10, 11, 12, 13, and 14 are analyzed and rejected as previously discussed with respect to claims 1, 3, 5, 6, and 7, respectively.

For **claim 15**, Miyatake disclose the electronic camera according to Claim 1, wherein said first and second switches constitute a single mechanism (col. 6, lines 28-44).

For **claim 16**, Miyatake disclose the electronic camera according to Claim 1, wherein said first and second switches constitute different mechanisms (col. 5, lines 21-28; col. 6, lines 28-44).

Claims 17 and 18 are apparatus claims corresponding to apparatus claims 15 and 16, respectively. Therefore, claims 17 and 18 are analyzed and rejected as previously discussed with respect to claims 15 and 16, respectively.

Claims 19 and 20 are apparatus claims corresponding to apparatus claims 15 and 16, respectively. Therefore, claims 19 and 20 are analyzed and rejected as previously discussed with respect to claims 15 and 16, respectively.

Claims 21 and 22 are apparatus claims corresponding to apparatus claims 15 and 16, respectively. Therefore, claims 21 and 22 are analyzed and rejected as previously discussed with respect to claims 15 and 16, respectively.

Claims 23 and 24 are apparatus claims corresponding to apparatus claims 15 and 16, respectively. Therefore, claims 23 and 24 are analyzed and rejected as previously discussed with respect to claims 15 and 16, respectively.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carramah J. Quiett/
Examiner, Art Unit 2622
July 7, 2008

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